

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----	X	
	:	
MOLLIE MARIE FLINTON,	:	
	:	19 Civ. 2054 (LGS) (DF)
Plaintiff,	:	
	:	<u>ORDER</u>
-against-	:	
	:	
ANDREW M. SAUL,	:	
Acting Commissioner of Social Security,	:	
Defendant.	:	
-----	:	
	X	

LORNA G. SCHOFIELD, District Judge:

WHEREAS, on September 4, 2020, Judge Freeman issued a Report and Recommendation to grant Plaintiff's motion for judgment on the pleadings and deny Commissioner's motion for judgment on the pleadings. Dkt. No. 21.

WHEREAS, Judge Freeman's September 4, 2020, Report and Recommendation recommended that pursuant to Federal Rule of Civil Procedure 25(d), the Court order the substitution of the name "Andrew M. Saul" for "Nancy A. Berryhill" because Andrew M. Saul has been appointed Commissioner of the Social Security Administration. Dkt. No. 21.

WHEREAS, as stated in Judge Freeman's September 4, 2020, Report and Recommendation, the deadline for any objections was fourteen (14) days from service of the Report and Recommendation. Dkt. No. 21.

WHEREAS, no objections were timely filed.

WHEREAS, in reviewing a Magistrate Judge's Report and Recommendation, a district judge "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). "In a case such as this one, where no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." *Jones v. Berryhill*, No. 18 Civ. 11233, 2020 WL 1503507, at *1 (S.D.N.Y.

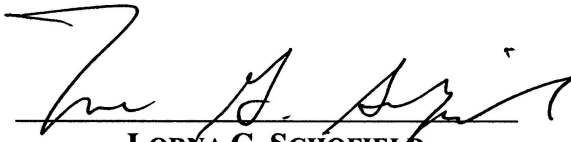
Mar. 30, 2020) (internal citations and quotation marks omitted).

WHEREAS, the Court finds no clear error on the face of the record. It is hereby

ORDERED that the Report and Recommendation is adopted. For the reasons stated in the Report and Recommendation, Plaintiff's motion for judgment on the pleadings is **GRANTED**, Commissioner's motion for judgment on the pleadings is **DENIED** and the case is **REMANDED** to the Administrative Law Judge for further proceedings consistent with the Report and Recommendation.

The Clerk of Court is respectfully directed to close the motions at Docket Nos. 16 and 18 and close the case.

Dated: September 21, 2020
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE